

REC'D 30 JUL 2001

WIPO PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

14

Applicant's or agent's file reference P48122PC00	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/NL00/00198	International filing date (day/month/year) 24/03/2000	Priority date (day/month/year) 31/03/1999
International Patent Classification (IPC) or national classification and IPC A47L23/05		
Applicant SARA LEE/DE N.V. et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 6 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 24/10/2000	Date of completion of this report 26.07.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Lodato, A Telephone No. +49 89 2399 8037 

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International application No. PCT/NL00/00198

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-14 as originally filed

Claims, No.:

1-30 as originally filed

Drawings, sheets:

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:

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☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
☐ paid additional fees.
☐ paid additional fees under protest.
☒ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
☐ not complied with for the following reasons:

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☐ all parts.
☒ the parts relating to claims Nos. 1-15, 18-22, 24-30.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims
	No: Claims 1
Inventive step (IS)	Yes: Claims
	No: Claims 2-15, 18-22, 24-30

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Industrial applicability (IA) Yes: Claims 1-15, 18-22, 24-30
 No: Claims

2. Citations and explanations
see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following document:

D1: US-A-5 568 990

The document D1 is regarded as being the closest prior art to the subject-matter of independent claim 1.

2. The subject-matter of **claim 1** does not meet the requirement of Article 33(2) PCT - novelty - since the document D1 discloses all the features thereof (see description column 2, line 62 - column 4, line 43 and figures 1-3):

A device for treating a surface, in particular a textile surface or a leather surface, such as, for instance, the upper surface of leather shoes, with a liquid substance, which device comprises a holder with a reservoir (see description column 2, lines 66-67; column 4, lines 28-30) for this substance and with a sponge-like body (18) via which the substance absorbed from the reservoir can be spread on the surface, between the reservoir and the sponge-like body (18) there is at least one receiving chamber (25) having an inflow opening (30) communicating with the reservoir, which inflow opening (30) is closed in the condition of rest of the device and can be opened at a movement of the sponge-like body (18) with respect to a plane with which this body is contacted, while from the receiving chamber (25) the substance is absorbed by the sponge-like body (18) with delay.

3. Dependent **claims 2-15, 18-22, 24-30** do not seem to contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT at least in respect of novelty or inventive step. For example, with reference to claim 3, D1 (see description column 4, lines 28-43) also discloses a dosing element (14) extending in the receiving chamber (25) which, at a movement of the sponge-like body (18) with respect to and in contact with the surface to be treated, effects that liquid substance can be absorbed by the sponge-like body (18).

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Re Item VII

Certain defects in the international application

1. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.
2. According to the requirements of Rule 11.13(I) reference signs not appearing in the description shall not appear in the drawings, and vice versa. This requirement is not met in view of the reference signs 14, 23, 33 used in the description on page 12, lines 12 to 26 and not appearing in the corresponding drawing shown in figure 4.